

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 23-21034-CIV-SINGHAL

GARCIA HALL,

Plaintiff,

v.

INEZ MARTIN,

Defendant.

/

ORDER GRANTING LEAVE TO PROCEED *IN FORMA PAUPERIS*

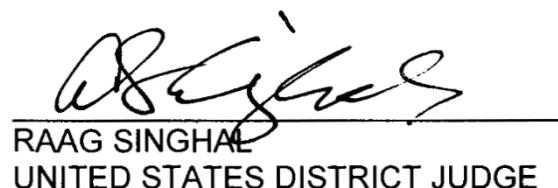
THIS CAUSE is before the Court on Plaintiff Garcia Hall's Motion to Proceed *In Forma Pauperis* and attached inmate account statement. (DE [3]). Plaintiff has filed a Complaint pursuant to 42 U.S.C. § 1983. (DE [1]). Pursuant to 28 U.S.C. § 1914(a), "parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise" are required to "pay a filing fee of \$[402.00]." However, pursuant to § 1915(a), courts may permit parties proceeding *in forma pauperis* to initiate a civil action without prepayment of fees or security therefor.

To proceed *in forma pauperis*, the movant must provide an affidavit that the person is unable to pay fees or give security. *Id.* § 1915(a)(1). "Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress." *Id.* Additionally, a prisoner seeking to proceed *in forma pauperis* must also provide "a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint." § 1915(a)(2).

Nevertheless, although a prisoner proceeding *in forma pauperis* is not required to prepay the full filing fee, the prisoner is required to prepay a partial filing fee and creates a debt to the Court for the balance of the full filing fee. See *id.* § 1915(b). Accordingly, the Court must assess an initial partial filing fee that is 20% of the greater of (1) “the average monthly deposits to the prisoner’s account”; or (2) “the average monthly balance in the prisoner’s account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.” *Id.* § 1915(b)(1)(A)-(B). Thereafter, the prisoner must make payments of 20% of the preceding month’s income credited to his or her account. *Id.* § 1915(b)(2). The agency having custody of the prisoner must forward payments from the prisoner’s account to the Clerk of the Court each time the amount in the account exceeds \$10.00 until the filing fees are paid. *Id.* Here, Plaintiff has filed a motion on the proper form and has attached a certified copy of his prisoner-account statement, showing he has no funds. (DE [3]). Accordingly, it is hereby

ORDERED AND ADJUDGED that Plaintiff’s Motion to Proceed *In Forma Pauperis* (DE [3]) is **GRANTED**. Plaintiff owes the United States a debt of \$350.00. The correctional institution having custody of the prisoner must make payments from the prisoner’s account to the Clerk of Court each time the amount in the account exceeds \$10.00 until the full filing fee of \$350.00 is paid.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 31st day of March 2023.



RAAG SINGHAL
UNITED STATES DISTRICT JUDGE

Copies furnished to counsel of record via CM/ECF

cc: Garcia Hall
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PRO SE

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